

REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on 05/12/2006 and the references cited therewith.

Claims 1, 8 – 10, 15, 16, 34 and 42 are amended, claims 4-7, 11-14, 17-33, 35-41 and 43-44 are canceled, and claims 45 – 51 are added. No new matter has been added.

35 USC § 103(a)

The Examiner has rejected claims 1-3, 8-10, 17, 34-40, 43 and 44 as obvious over Kumakura et al in view of Freeman et al.

Claim 1 has been amended to incorporate, the subject matter of dependent claim 41. The Examiner had indicated in the office action mailed 05/12/2006 that claim 41 was objected to and the subject matter of this claim is allowable if rewritten in independent form. Neither Kumakura et al., nor Freeman et al., disclose the limitation of claim 41. Accordingly, it is submitted that claim 1 is now in condition for allowance.

New claim 45 depends from claim 1 and incorporates the cancelled element of subparagraph e. of claim 1 (as amended in response to the Office Action of December 27, 2005).

Claims 8 – 10 have been amended to depend from claim 45.

Claims 15 and 16 have been amended to depend from claim 8 which depends from claim 45. The element “partly- to fully-” opaque is supported in the specification as filed beginning on page 4 line 25 and ends on page 5 line 1.

Finally, claim 34 has been amended to depend from claim 45. As claim 1 (Currently Amended) is allowable, it is submitted that these claims as depending there from are also allowable.

New claim 46 includes elements of claim 1 (elements a. – c.) and claim 40. While the Examiner rejected this claim as obvious over Kumakura et al. in view of Freeman et al., no specific comment was directed to the limitation of “widening at least some of said pores to dimensions wide enough to permit the ingrowth of corneal tissue.” It is submitted that such a limitation is not disclosed or suggested in either reference. Further, as both references are directed to contact lenses, they teach away from such a limitation. As a contact lens is designed to be removed on a periodic basis, one would not want to have a lens with pores large enough to

permit the ingrowth of tissue. Such pores would hinder removable. Such a design would be defective for its intended purpose, a removal contact lens.

Conversely, a corneal implant of the invention of claim 46 is not designed to be removed and, in use, could benefit from the ingrowth of tissue. Accordingly, Applicant believes that claims 46 – 48 are allowable.

New claim 49 incorporates all elements of claim 1 (as amended in response to the Office Action of December 27, 2005) and dependent claim 41 (as amended in response to the Office Action of December 27, 2005), and new claim 50 incorporates all elements of dependent claim 42 (as amended in response to the Office Action of December 27, 2005), which the Examiner has indicated to be allowable if rewritten in independent form in the response dated 05/12/2006.

Claim 51 is newly added and includes the layer element being partly- to fully- opaque.

While claim 1 has been amended and other claims cancelled, Applicant is not abandoning the subject matter thereof as it is Applicant's intention to file a continuing application with regard to some or all of these claims.

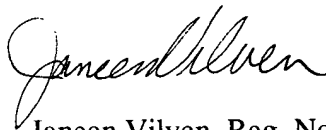
In view of the foregoing it is submitted that this application is now in condition for allowance.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (505 998 6134) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 13-4213

Respectfully submitted,



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AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111

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